

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

YOUNG ADVOCATES FOR FAIR
EDUCATION,

Plaintiff,

v.

ANDREW CUOMO, in his official capacity
as Governor of the State of New York,
BETTY ROSA, in her official capacity as
Chancellor of the Board of Regents of the
State of New York,
MARYELLEN ELIA, in her official capacity
as Commissioner of the New York State
Education Department,

Defendants.

Case No. 18-CV-4167 (ILG) (JO)

**BRIEF OF AMICUS CURIAE FOOTSTEPS, INC. IN SUPPORT OF PLAINTIFF'S
MOTION FOR A PRELIMINARY INJUNCTION**

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INTEREST OF AMICUS CURIAE

Footsteps, Inc. (“Footsteps”) is the only organization in the United States providing comprehensive services to people who have chosen to leave their ultra-Orthodox Jewish communities and begin new lives. Footsteps was founded in 2003 and has served over 1,500 such individuals. It began as a monthly support group but quickly evolved into an organization that provides its members with support services, including tutoring, counseling, and a variety of career and educational resources such as scholarship and internship programs. These services are needed because nearly all Footsteps members who grew up in ultra-Orthodox Jewish communities and attended ultra-Orthodox yeshivas did not receive an adequate basic secular education. As a consequence, Footsteps members often face severe difficulties in finding employment, obtaining high school equivalency degrees, and pursuing higher education, in addition to the emotional challenges of adjusting to life outside of the ultra-Orthodox communities in which they grew up. The lack of an adequate secular education is one of the core challenges faced by individuals raised and educated in these communities. Footsteps is thus uniquely suited to speak to those challenges in the context of this litigation.

The Court granted Footsteps leave to file this brief by order dated October 30, 2018. ECF No. 55.

PRELIMINARY STATEMENT

“Education prepares individuals to be self-reliant and self-sufficient participants in society.” *Wisconsin v. Yoder*, 406 U.S. 205, 221 (1972). By this measure, many Hasidic yeshivas in New York are an abject failure. This brief gives voice to more than twenty Footsteps members and volunteers who were interviewed by counsel during October and November 2018

and described their own experiences with how Hasidic yeshivas in New York State are systematically failing the young people they are supposed to serve.¹

Amici curiae Parents for Educational and Religious Liberty in Schools, Agudath Israel of America, Torah Umesorah, and United Jewish Organizations of Williamsburg (together, “PEARLS”) take on criticisms of the education provided by Hasidic yeshivas by offering argument that a yeshiva education provides not only a “minimally adequate” education under the standards of New York State, but an education that is actually superior to that offered by “traditional” schools. Br. of Amici Curiae in Opp’n to Pl’s Mot. for Prelim. Injunction, at 9 (Oct. 5, 2018), ECF No. 41 (hereinafter “PEARLS Br.”). A yeshiva education, according to PEARLS, “provides students with critical thinking and analytical skills that far surpass those obtained by students at traditional schools,” and “provides students with training that is valuable to them as adults across disciplines and professions.” *Id.*

Those assertions are directly at odds with the experiences of Footsteps members—including those interviewed in connection with this brief.

The interviewees, who spent their childhoods and early adulthoods in Hasidic yeshivas, describe how they emerged from those institutions woefully unprepared to participate in society in any way that requires a basic secular education. And, indeed, many of the services Footsteps provides to its members on a day-to-day basis are designed to fill precisely that educational void, including tutoring programs to help Footsteps members earn high school

1 Because many of the individual Footsteps members interviewed for this brief are still connected in some way to their communities of origin and fear repercussions from those communities based on their membership in Footsteps, they have asked to remain anonymous for purposes of this brief and are thus referred to herein by their initials. Several members, however, have agreed to testify, should the Court find such testimony useful.

equivalence degrees and counseling to help Footsteps members navigate to and through higher education programs.

Many Footsteps members recount having spent years of long days at yeshiva and finding themselves leaving school, at 18 or older, barely able to speak English. Attempting to live on their own in their early twenties, many Footsteps members have found themselves unable to read or write English beyond a third-grade level; incapable of doing math more complicated than simple arithmetic; lacking an understanding of basic scientific concepts, such as what gravity is or where rain comes from; and not having even a basic understanding of the United States' history or the basic elements of its government. The experience of leaving an ultra-Orthodox community and living in the secular world was described by one Footsteps member as akin to being an "immigrant in your own country." Interview of G.S., Nov. 2, 2018.

A direct consequence of this education deficit is that many Footsteps members struggle to find meaningful employment and are often compelled to do menial work for less than a minimum wage. Those who wish to pursue higher education have to make up for the education they did not get in yeshiva, and need remedial help learning basic composition, reading comprehension, and mathematics in order to take and pass the TASC (Test Assessing Secondary Completion). They must avail themselves of extensive tutoring and classroom instruction to earn a HSE (High School Equivalency, colloquially referred to as a "GED").

By virtue of their immense determination, and with the help of Footsteps and publicly-funded adult education programs, several individuals interviewed for this brief did ultimately enroll in community colleges and, in some cases, four-year colleges and even graduate school. These individuals explain that they struggled immensely in college, often having to repeat classes numerous times and needing to take long leaves of absence in order to get passing

grades. Some dreamed of attending a four-year college, but after gaining admission found it too difficult and dropped out after just several weeks. Their educational achievements were in spite of, not because of, their yeshiva education.

Courts have long recognized the importance of a basic education in American society for precisely the reasons borne out by the experience of Footsteps members who did not receive one. Education “provides the basic tools by which individuals might lead economically productive lives to the benefit of us all,” *Plyler v. Doe*, 457 U.S. 202, 221 (1982), and is “vital to the preservation of a democratic system of government.” *Blackwelder v. Safner*, 689 F. Supp. 106 (N.D.N.Y. 1988) (quoting *Abington School Dist. v. Schempp*, 374 U.S. 203 (1963)). Footsteps is proud that some of its members have surmounted the obstacles their yeshiva educations put in their way, and have been able to achieve distinction in higher education and fulfilling careers. But the determination, raw intelligence, and luck that allowed them to succeed do not erase the fact that they and their peers were, in the words of one Footsteps member, “severely handicapped” by the education they received as children. Interview of J.E., Nov. 1, 2018.

We respectfully submit that the Court should consider the experiences of Footsteps members, discussed in more detail below, as it weighs the issues presented in this case.

ARGUMENT

I. The Secular Education Provided by Many Hasidic Schools Is Inadequate

Footsteps members uniformly report that the secular education—*i.e.*, education in non-religious topics such as English, mathematics, science, and history—provided by the ultra-Orthodox yeshivas they attended was inadequate at best and, often, non-existent. S.A., who attended the Satmar United Talmudical Academy (“UTA”) in Monsey, New York, articulated sentiment common among those interviewed: “Secular education virtually does not exist in the

community I come from.” Interview of S.A., Nov. 1, 2018. While PEARLS has characterized yeshivas as providing “students with training that is valuable to them as adults across disciplines and professions,” PEARLS Br. at 9, that was decidedly not the case for many Footsteps members, including those who lent their voices to this brief.

At the outset, we note that although PEARLS and their declarants do not distinguish between ultra-Orthodox schools for boys and girls, the education in these schools can be substantially different. This is because, among other reasons, girls in Hasidic communities are forbidden from studying most Jewish religious texts—the activity that comprises the core (if not the entirety) of ultra-Orthodox yeshiva education for many boys. In place of such study, ultra-Orthodox schools for girls often focus heavily on family and child-rearing. Therefore, this brief discusses the experiences of boys and girls within Hasidic education systems separately. In both cases, however, the experience of Footsteps members has been that the education they received in secular subjects was grossly inadequate, as discussed further below.

A. Yeshiva Education for Boys

Based on the experiences of Footsteps members, the only education in secular subjects that boys in the yeshiva system receive occurs while they are in *cheder* (elementary school), and between the ages of 7 and 13. “English” instruction (as the time devoted to secular studies is called) takes place for only 45 to 90 minutes at the end of a long school day (up to 10 hours), four days per week. It is typically limited to rudimentary English reading and writing and arithmetic. And, it is often taught by teachers who barely know English themselves.

Y.K.’s *cheder* education at UTA in Williamsburg during the 1990s was typical for Footsteps members. Y.K. undertook Jewish religious studies from 8 AM until 5 PM five days a week, and secular studies, starting when he was eight years old, from 5:15 PM to 6 PM four days a week. Like other boys in *cheder*, Y.K. was taught how to read biblical Hebrew and to translate

the *chumash*—Torah passages—into Yiddish. The *rebbe*, as a teacher in a boys ultra-Orthodox school is called, would recite a verse in biblical Hebrew and its Yiddish translation, and the class would sing both in response. Interview of Y.K., Oct. 26, 2018.² In later grades, the students read medieval commentaries to the *chumash* and took introductory classes on the Talmud, and were encouraged to memorize blocks of text from the Talmud. *Id.*

Similarly, Y.K.’s education from age 13 is typical of the education for teenage boys in Hasidic yeshivas. His *yeshiva ketana*, as ultra-Orthodox schools for boys ages 13 and up are often called, provided absolutely no secular education. Rather, Jewish religious studies (chiefly Talmud study) consumed the entire 15-hour school day. This was Y.K.’s school schedule:

- 6:00 AM to 7:30 AM: study of Halakha (Jewish law)
- 7:30 AM to 8:30 AM: prayer
- 9:00 AM to 11:00 AM: Talmud self-study
- 11:00 AM to 12:30 PM: Talmud lecture
- 1:30 PM to 1:45 PM: prayer
- 2:00 PM to 7:00 PM: Talmud self-study
- 8:00 PM to 9:30 PM: Talmud lecture

² A child who got a lesson wrong—by saying the wrong words because their attention had wandered, or by simply not expressing enough enthusiasm—would be punished. Interview of Y.K., Oct. 26, 2018. The form of punishment varied between teachers, but according to Y.K., it always involved some form of physical or emotional “abuse”: one *rebbe*, who was otherwise “kindly,” would “often hit the children”; another preferred to “always deride and make fun of the children.” *Id.*

Id. In other words, from the age of 13, Hasidic boys like Y.K. are not schooled in secular subjects at all. And when they leave yeshiva, most do not “graduate” with a high school diploma.

1. Jewish Religious Studies for Hasidic Boys

In his declaration on behalf of PEARLS, Professor Aaron Twerski seeks to defend the failure of yeshivas to provide basic instruction in secular subjects by asserting that “a yeshiva education provides students with a critical thinking and analytical skills that far surpass those obtained by students at traditional schools.” Twerski Decl. ¶ 15. Many Footsteps members, however, have rejected the suggestion that even the religious portion of their Hasidic education trained them to think critically. For Y.K., for example, *cheder* education was “the sheer insertion of data” into his brain. Interview of Y.K., Oct. 26, 2018. Religious texts and rules were “stuffed into him mechanically.” *Id.*; *see also* Interview of S.A., Nov. 1, 2018 (describing his *cheder* experience as “education by rote memorization.”). If anything, Y.K. was instructed “*not* to think logically.” Interview of Y.K., Oct. 26, 2018. Y.K. was not trained in any methodology or system of thought; the sacredness of the texts stood on their own and the sole objective was the “rote memorization of these texts.” *Id.* Indeed, Y.K. was forbidden even from reading certain works of the great Jewish sage Maimonides that were deemed to be too philosophical. *Id.*

According to Footsteps members, the education provided to Hasidic teenage boys also consisted primarily “of rote memorization, which was one of the chief ways of learning in yeshivas.” Interview of V.F., Oct. 31, 2018. Independent thinking by yeshiva students was discouraged; to the contrary, students were taught to repress questions and accept as authoritative whatever the texts or *rebbe*s instructed. While some interviewees thought that intensive Talmudic study provided them “with some critical thinking skills,” such as “learning to slice and dice a passage [in the Talmud or the Torah] and then argue it from ten different sides,” V.F.

explained that “acquiring those skills without language, math, science, or worldly knowledge makes it very, very, very difficult to actually use those skills outside the walls of the yeshiva.” *Id.*; *see also* Interview of M.C., Oct. 31, 2018 (same); Interview of J.E., Nov. 1, 2018 (same). Footsteps members left yeshivas without the ability “to think for [themselves] and know how to analyze things.” Interview of Y.K., Oct. 26, 2018; *see also* Interview of M.C., Oct. 31, 2018 (“I was conditioned to not ask questions.”).

Furthermore, even accepting the notion that a yeshiva education may provide some critical thinking and analytical skills, those skills are not the same as education in math, science, history, and reading and writing in English. *See, e.g.*, Interview of V.F., Oct. 31, 2018 (*see supra*). Professor Twerski, in his declaration, cites from a 1929 work by Harry Wolfson on the medieval Jewish philosopher, Hasdai Crescas, for the proposition that Talmudic study is akin to scientific research, apparently to suggest that yeshiva students develop scientific reasoning skills by studying the Talmud. *See* Twerski Decl. ¶ 24. Footsteps interviewees, however, explained the wide disparity between the Talmudic study in the yeshivas they attended and the study of science they eventually experienced in college. For example, when Y.K. “discovered science” for the first time at Rockland Community College (“RCC”), he found the “epistemology of the Talmud to be completely different from science. While science was rigorous and involved a methodology, Talmud study at [Y.K.’s] yeshiva mostly consisted of the accumulation of random, unconnected facts, and involved no rigorous, systematic, or methodological learning at all.” Interview of Y.K., Oct. 26, 2018. J.E. likewise summarized his yeshiva education as follows: “I would say what we were taught was the opposite of the scientific method.” Interview of J.E., Nov. 1, 2018. And, M.C. explained, “I had no understanding of what history or science even was in yeshiva.” Interview of M.C., Oct. 31, 2018.

2. The Lack of Secular Education for Hasidic Boys

The sliver of time devoted to secular studies in Hasidic *cheders* was consistently described by interviewees as time spent being “babysat.” Interview of J.E., Nov. 1, 2018. English hour “was just an opportunity to blow off steam and torment the teachers. It was an opportunity to sit in class and not go overboard but to fool around.” *Id.*³ The pervasive attitude among teachers and students alike was that secular studies were tolerated only because they were “state mandated,” and that, therefore, they were not to be taken seriously. Interview of S.A., Nov. 1, 2018. Even if an outlier secular studies teacher would invest in teaching, he would “have no control” as the “students knew they could get away with murder, and the teachers knew they had no real administrative support.” Interview of K.Y., Nov. 2, 2018.

Moreover, those hired to teach secular studies were, by and large, woefully unqualified to do so, a fact that was clear even to younger students. “The teachers were guys from the community who didn’t speak any English and who were usually 18, 19, or in their early twenties.” Interview of J.E., Nov. 1, 2018. It was obvious that “for secular stuff, anyone who needed a job could come in” and secure a job as a secular studies teacher. Interview of Y.K., Oct. 26, 2018. One interviewee who grew up in a home where English was spoken and whose parents—contrary to school rules—allowed English books in the home, described a teacher pulling him aside to ask him what certain English words meant. The teacher would ask this

³ It is no surprise that these boys and young men were restless at the end of the school day. J.E. recalled that there was no physical education in his *cheder* or *yeshiva ketana*, and that at one point, he was “not allowed to play with a ball of any shape or size” because doing so was deemed inappropriate for future Talmudic scholars. Interview of J.E., Nov. 1, 2018.

student, “What does ‘knight’ mean? What does ‘autumn’ mean?” and then return to the classroom to teach the words to the rest of the class. Interview of J.E., Nov. 1, 2018.

J.E., who first attended a Satmar *cheder* in Williamsburg, recalls learning only “very rudimentary math, meaning some basic addition and subtraction, and very basic words and their spelling” through fifth grade. *Id.* For sixth grade, J.E. transferred to a Krasna *cheder*. At his new school, there was “no semblance of a [secular] curriculum, there was just nothing there.” *Id.* At most, he received instruction in “a smidgeon of grammar, and a very small amount of social studies.” *Id.* In eighth grade—the final year that J.E. was exposed to any secular education at all—he was taught “basic reading comprehension.” *Id.* His class “got maybe as far as words with 4 or 5 letters in them.” *Id.* C.L., M.C., and D.L., all of whom grew up in the Chabad community of Crown Heights, Brooklyn, meanwhile, received “absolutely zero secular education at all” throughout elementary school and high school. Interview of C.L., Oct. 25, 2018; Interview of M.C., Oct. 31, 2018; Interview of D.L., Nov. 2, 2018.

V.F., who studied at a Satmar *cheder*, “received no instruction in history, science, or geography.” Interview of V.F., Oct. 31, 2018. In the subjects he did study—the “ABC’s,” a small amount of grammar, and basic math—he made only “incremental advancement.” *Id.* His skills were not reinforced, and they “atrophied from lack of use.” *Id.* By ninth grade, interviewees reported not “knowing the multiplication table,” Interview of J.E., Nov. 1, 2018, not “having the ability to do any division,” Interview of Y.K., Oct. 26, 2018, and “knowing nothing about literature.” Interview of J.E., Nov. 1, 2018. A.H. not only did not know algebra, but he “didn’t know what algebra was.” Interview of A.H., Oct. 31, 2018. He had been under the impression that “it was the study of shapes and areas and that geometry was the study of maps.” *Id.*

Frustrated by the extremely limited secular education offered in their yeshivas, several Footsteps members attempted to mitigate the deficits on their own. More than one Footsteps member surreptitiously went to public libraries and took out books in English. Y.K., for example, discovered the public library when he was 16 and began reading novels with a dictionary to teach himself English. He began reading Danielle Steel romance novels—"I didn't know any better"—and eventually progressed to Stephen King novels, and then to the classics. Interview of Y.K., Oct. 26, 2018. To avoid detection, Y.K. would trek three miles to Park Slope to use the library branch there. When he would return with his books, he hid them in the drop down ceiling in his yeshiva dorm. *Id.* Similarly, J.B. began secretly taking books out of the public library in Williamsburg when he was 15 or 16 and discovered that his English was so poor that he was able to understand very little of what he was reading. He estimates that he had a vocabulary of around 50 English words. J.B. procured an English-Hebrew dictionary and, slowly, used that in conjunction with books from the public library to improve his English. Interview of J.B., Oct. 28, 2018; *see also* Interview of A.H., Oct. 31, 2018 (who would sneak into public libraries and print Wikipedia articles on random topics that piqued his interest in order to educate himself). When S.A. started reading literature at the age of 18, it took him three months to read a book because he "had to sit with a dictionary to look up every other word." Interview of S.A., Nov. 1, 2018.

B. Hasidic Education for Girls

Although the Hasidic schools for girls attended by Footsteps members provided a different experience than the boys' yeshivas, and one that was less focused on intensive religious studies, their education in secular topics was still deeply inadequate.

S.S., for example, attended a Vishnitz school in Monsey during her elementary years. Interview of S.S., Oct. 27, 2018. From 8 AM to 12 PM, S.S. engaged in prayer and

Jewish religious studies, and from 1 PM to 4 PM she studied secular subjects. *Id.*; *see also* Interview of R.L., Oct. 26, 2018 (describing a similar school day). Secular studies, however, were “taught at a very low level.” Interview of S.S., Oct. 27, 2018. There was no science instruction whatsoever until seventh grade, and even then “hardly any.” *Id.* S.S.’s science classes “covered a little biology, but of course nothing [about the] reproductive [system]” and “one year [they] learned about the digestive system and sleeping cycles.” *Id.* S.S. found these subjects interesting, “but [they] would spend an entire year on just that.” *Id.* “There was no physics, chemistry, or math.” *Id.* Indeed, S.S. “first heard the word ‘physics’ when [she] got to college.” *Id.* S.S. recalls being administered government tests annually (no one knew exactly what these tests were and they “just called them government tests”). *Id.* When the tests were given, the teachers wrote out the answers on the chalk board for the students to copy. *Id.*

At Bnos Zion, a Bobov girls’ school in Borough Park, M.M. “studied no science and was taught only English and grammar.” Interview of M.M., Oct. 26, 2018. Her school was considered “progressive,” as it offered more secular education than most Hasidic girls schools. Yet, M.M. was permitted to read texts only in Yiddish—even works in Hebrew were considered “too modern.” *Id.* The only history she studied was religious Jewish history. She “learned about certain Greek characters who had to do with the Hanukah story or the desecration of the temple,” all in Yiddish, and she “always learned about the persecution of the Jews”—but that was it. *Id.* M.M. failed nearly every Regents exam she took. *Id.*

Those who taught Hasidic girls secular subjects were typically unqualified to do so. Because “no outsiders were allowed in,” Interview of S.S., Oct. 27, 2018, S.S. was taught English by young women from her community who themselves were not proficient in English. “The secular studies teachers didn’t go to college. They taught us right out of high school.”

Interview of M.O., Oct. 30, 2018. To qualify as a secular studies teacher, “[one] needed only to be over the age of 18. A degree was certainly not required. In fact, the yeshiva refused to hire teachers that *had* college degrees.” Interview of S.G., Oct. 31, 2018.

Secular education in Hasidic girls schools was further deemphasized because of the focus on family and childrearing. *See* Interview of C.R., Oct. 25, 2018; Interview of M.O., Oct. 30, 2018. From the age of four, S.G. “was told that [she] would never be a successful Jew or human being unless [she] had children.” Interview of S.G., Oct. 31, 2018. The unmistakable message from her school was that secular studies, which “were squished to the end of the day when [everyone] was tired and restless,” were “not important or a priority” because “all that really mattered was hav[ing] children.” *Id.*

At the culmination of high school, M.M. had learned how to “kosher chickens, how to keep a kosher kitchen, and the proper order of cutting [her] nails—everything except what [she] might need if [she] were to ever leave” the community. Interview of M.M., Oct. 26, 2018. When she later did choose to leave the community, she did so with “zero education” and without a high school diploma. *Id.*

II. The Lack of Secular Education Harms Footsteps Members

For Footsteps members, the inadequacy—or complete absence—of a secular education has had substantial and long-lasting impacts on their lives. Having left yeshiva without even a basic understanding of science, history, math and, in some cases, only a limited command of English, Footsteps members reported difficulty earning a living, securing meaningful employment, pursuing higher education, and fully participating in society.

A. Difficulties in Obtaining Skilled Work

The experiences of Footsteps members are contrary to Professor Twerski’s assertion that “[a] yeshiva education is remarkably effective in providing the tools necessary for

success in the secular world.” Twerski Decl. ¶ 17. S.A., for example, observed that, after yeshiva:

The only possible thing I was qualified to do was unskilled labor, [so I became a] dishwasher. There’s really nothing out there for you. Even the most rudimentary job requires language skills. The lowest skilled workers barely support themselves.

Interview of S.A., Nov. 1, 2018. Likewise, M.M. was frustrated by having skills that only allowed her to work odd jobs as a receptionist and having completed a yeshiva that did not grant her a high school degree. She eventually landed an administrative job at a security and communications company in Manhattan. M.M. now describes her bosses as “misogynists and bigots,” but feels trapped and has remained at the company for twenty-two years. Interview of M.M., Oct. 26, 2018.

I grin and bear it. I feel very stuck because I’m scared that if I leave, I won’t be able to get another job at the age of 50 with no high school diploma. No matter how well-read I am, [or] how well I speak English, [potential employers] don’t want to look at you if I don’t have an education.

Id.; see also Interview of A.H., Oct. 31, 2018 (“Because of my poor education, and especially because I didn’t get a [high school] diploma, I could only get a low-paying job.”).

Time and again, formerly Hasidic Footsteps members found that the only jobs available to them with their limited skill sets, were provided through “community connections.” Lacking the basics of a secular education, Footsteps members have found themselves trapped: disowned by their loved ones because of their choice to live a non-Hasidic life, but forced to remain at the Hasidic community’s fringes because that is the only place they can find employment.

For example, G.S.—who stayed in yeshiva at United Talmudical Seminary (“UTS”) until he was 22—decided to try to earn a commercial driver’s license so that he could work as a bus driver. He found a manual and gathered a study group of eight other students from

UTS. G.S. worked with the other students for five months in secret. The English-language driver's manual proved "too difficult for half the class, and only half passed the licensing exam." Interview of G.S., Nov. 2, 2018. G.S. managed to pass the exam and began driving buses for a Hasidic bus company. Nevertheless, G.S. felt that he "really wanted to do something intellectually challenging" and apart from the Hasidic community. *Id.* He applied for the "job of construction site manager because doing [that job] requires organization and scheduling and making things happen," but he did not get hired: when he was asked what his credentials and skills were, "[he] had nothing" to say. *Id.* G.S. "aspired to be a lawyer," but he "thought it was not an option. I had no high school diploma and no knowledge of anything." *Id.* Eventually, G.S. got a job doing data entry in the office of a construction company through a community connection. *Id.*; *see also* Interview of K.Y., Nov. 2, 2018 ("After Touro [College], my father got me a job in a retail store in the [Hasidic] community. It was the only job I was qualified to do. I got the job because of my father.").

S.A. also found it impossible to find work outside of the community:

I ended up getting connected with a real estate manager—really a slumlord—from the community. He would send me to properties to have me deal with tradesmen or get a permit, and even those things were incredibly hard because of the language barrier and my lack of understanding [of] the secular world. I was working full time but getting paid only \$350 per week.

Interview of S.A., Nov. 1, 2018; *see also* Interview of J.B., Oct. 28, 2018 ("I could find work only in Hasidic-run businesses."); Interview of A.H., Oct. 31, 2018 ("I could only get jobs that paid \$10 or \$12 per hour. And only in the community."). Thereafter, S.A. was connected with "a Belgian guy" for whom he "would take pounds from the Bank of Scotland and carry parcels of cash around to exchange places to convert pounds into dollars and euros in amounts less than \$10,000." Interview of S.A., Nov. 1, 2018. Reflecting on this experience, S.A. says that "I didn't know at the time that it could have been illegal. This is another example of how the

education [at yeshiva] failed me. I was completely clueless about laws and it didn't even occur to me that this could be illegal." *Id.*

B. Difficulties in Obtaining GED and Applying to College

Given the lack of secular education provided in yeshivas, it comes as no surprise that many do not award graduates a high school degree. When S.S. attempted to enroll at RCC, for example, an admissions officer told her, based on her education to that point, that she would have to pass the GED to even be considered for enrollment. Interview of S.S., Oct. 27, 2018. "She was very nice [about it], but she was talking about real schools where you would get real diplomas and that wasn't our school." *Id.* Many Footsteps members, therefore, pursue a high school equivalency degree, especially once they realize the limited job prospects for people without one. *See, e.g.*, Interview of E.G., Oct. 31, 2018.

But for most Footsteps members, studying for and obtaining a GED requires a herculean effort, notwithstanding having completed the course of study offered in their Hasidic yeshivas. *See, e.g.*, Interview of J.B., Oct. 28, 2018 (Preparing for and passing the GED was "the most difficult step."); Interview of Z.F., Oct. 29, 2018 ("I realized I had received a fourth grade education, so I educated myself and absorbed what I could to pass the GED."); Interview of S.A., Nov. 1, 2018 ("I didn't know any long division or algebra. The GED took me years because I didn't even know what science was at that point. If you don't know long division, algebra, you have to learn [it yourself.]"); Interview of D.L., Nov. 2, 2018 ("It took me an entire year to learn the GED material to pass [the exam]. I struggled with math a lot on the GED [and] used Kahn Academy and just barely passed.").

When G.S. applied to RCC at age 37, he was told that, because he had no high school diploma, he would have to take a placement test consisting of several subjects like history and algebra. G.S. recalled that, "I told the college advisor that I had heard of the term 'algebra'

before but didn't know what it means." Interview of G.S., Nov. 2, 2018. He then hired a tutor and studied intensely every day for a month before he "barely placed" into elementary math. *Id.* His RCC test results also placed him into ESL, English as a Second Language.

Footsteps volunteer tutors who work to help prepare members for the GED understand the tremendous challenge Footsteps members face. As I.S. explained, even if an individual educated in a Hasidic yeshiva can speak and read English, GED questions often require the test taker to apply background knowledge that is assumed. Interview of I.S., Oct. 31, 2018. For example, one GED practice question includes Lincoln's Gettysburg Address. The GED practice question asks:

Lincoln delivered the Gettysburg Address on a battlefield, stating, "It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced." The unfinished work to which Lincoln refers is the protection of (a) his presidency; (b) the dedication of the field; (c) the human right to freedom; or (d) the history of the United States.

Without an understanding of who Lincoln was or when the Civil War was fought, that question is nearly impossible to answer. *See id.* M.S. recounted a similar situation while tutoring an individual, M.T., who had been educated at a Hasidic Yeshiva. "One of the GED practice questions asked to identify on a map of America where there had been European colonies in the South—M.T. did not know which way was south." Interview of M.S., Nov. 2, 2018.

C. Difficulties in Obtaining Higher Education

Those Footsteps members that find the inner fortitude to make it to college continue to be met with substantial obstacles. Many found their English writing and grammar skills lacking. Recalling his early days in community college, J.E. remembered that:

The first class I took was an English writing class. But I had no idea what an essay was. What the structure of an essay was. My grammar was awful.

Punctuation, I had no idea how to do it. I had never had to write anything before in my life that someone else would read.

Interview of J.E., Nov. 1, 2018.

Likewise, C.L. describes his college experience as “a disaster.” Interview of C.L., Oct. 25, 2018. C.L. struggled tremendously with managing a course load and meeting deadlines because “[t]here were no due dates in yeshiva, so I didn’t know how to study or manage time or work with deadlines.” *Id.* C.L. found managing the work so difficult that he dropped out of four separate semesters midway through. *Id.*; *see also* Interview of Y.K., Oct. 26, 2018 (who dropped out of SUNY Stony Brook because he had “run out of fuel.”); Interview of D.L., Nov. 2, 2018 (“I got halfway through [college] but was so unmotivated. I had no emotional support, no environment [to lean on], no idea what I was doing there. I was on my own. Eventually, I got depressed and dropped out.”). S.S. also describes her college performance as “kind of sad,” noting that she had to take calculus five times until she passed. Interview of S.S., Oct. 27, 2018.

While at Brooklyn College, A.H. realized that, not only did he not know how to compute algebraic functions, but he “didn’t even know what algebra was.” Interview of A.H., Oct. 31, 2018. Similarly, S.G. recounted:

In certain areas [of college study], I was deficient. In my first English composition class, I placed very low. I was missing grammar skills —basic grammar skills. I didn’t know how to study. Math? I placed in the lowest math class. I was missing every skill except that I was really driven. I worked way harder than I would have had I learned the basics in [religious] school. I found a separate English tutor to teach me how to write proper sentences.

Interview of S.G., Oct. 31, 2018.

D. Other Difficulties

These stories demonstrate how frequently a yeshiva education leaves individuals utterly unequipped with basic life skills. V.F. recalls that, at age 21, he could add but not

subtract without using a calculator. Interview of V.F., Oct. 31, 2018. S.S. recently took a flight with one of her brothers, who was educated in Viznitz yeshivas in Monsey, and watched him struggle to ask for a glass of water because he lacked the necessary vocabulary. “If they had taught us just basic social skills and . . . exposed [us] to people who weren’t Jewish, that would have helped. It wouldn’t have been as scary.” Interview of S.S., Oct. 27, 2018. Z.F. recalled the fact that her ex-husband received “no secular education [in the yeshivas]. He still has problems with English [today] and can’t write his own name.” Interview of Z.F., Oct. 29, 2018.

Single mothers like Z.F. and M.M., find themselves unable to help their children (ages 11 and 12, respectively) with their homework from non-Hasidic schools. *See, e.g.*, Interview of M.M., Oct. 26, 2018 (“I can’t do sixth grade math and English. Diagraming sentences, I know nothing. Grammar rules, don’t ask. I don’t understand it.”); Interview of Z.F., Oct. 29, 2018 (“I look at [my son’s] homework and realize I didn’t even get a sixth grade education.”). Z.F. laments that, even now, she has problems expressing herself: “Being human is being able to express what you want and need. Not being able to speak English in the United States is a huge problem.” Interview of Z.F., Oct. 29, 2018; *see also* Interview of K.Y., Nov. 2, 2018 (“To this day, writing is an immense struggle that I have. A huge struggle. I never progressed from a child to an adult as I should have.”).

Reflecting on their yeshiva educations, many Footsteps members expressed feelings of failure and loss. For S.A., “there’s no doubt about it—there were at least ten years of my life that were cut away because I was uneducated. I’m 33 years old sitting with 18-20 year olds [in college] and I’m struggling. At [age] 18, I only knew a few words of English. There’s a pretense of education” at yeshivas. Interview of S.A., Nov. 1, 2018.

J.E. feels that he “was severely handicapped in [his] education.” Interview of J.E., Nov. 1, 2018. “I did not get what I deserved as a human being in the 21st century. And what I have achieved and where I am now is in spite of that. And I believe my life could have been a lot easier and I could have achieved a lot more if I had gotten a decent education.” *Id.*

S.G. revealed her lingering embarrassment over her educational experiences: “I feel cheated. I could have gone to Harvard. In my field, people ask where I went [to college], and it makes a difference. But I had to attend an online school and I’m still embarrassed by it. I still don’t want to tell people where I went.” Interview of S.G., Oct. 31, 2018.

D.L. emphasized how his lack of secular education manifested in a life of isolation:

I find it hard to relate to people around me and to fit in. There are so many things I haven’t heard of. It’s a big challenge to fit in without having [learned] the basic elements of life outside [the Hasidic community]. I didn’t think it was possible; it felt like there was an infinite divide between me and the rest of the world and that it was fundamentally impossible to cross it.

Interview of D.L., Nov. 2, 2018; *see* Interview of G.S., Nov. 2, 2018 (“Once you leave the [Hasidic] community, you’re isolated and really alone. You don’t have the social norms and basic things needed to make it out there. . . . It’s like being an immigrant in your own country.”); *see also* Interview of S.S., Oct. 27, 2018 (“My brothers can’t even speak the language of th[is] country. When any of them even think about leaving the community, they realize it’s logistically impossible.”).

“To this day, it kind of haunts me,” M.M. lamented. Interview of M.M., Oct. 26, 2018. A lack of education “caused anxiety [and an] inferiority complex. It caused a level of self-deprecation that is probably unrivaled by anyone else that comes from a religious background because they teach you that modesty is everything and you don’t need to know non-religious things, you just have to get married and make babies.” *Id.* She continued, “I hate that I

didn't get an education and I feel so held back, so trapped.” *Id.* My education “did not prepare me to be my own person or to make a living.” *Id.*

CONCLUSION

The Footsteps members whose voices are reflected in this brief did not receive adequate basic educations in the Hasidic yeshivas they attended. Their stories illustrate the “inestimable toll of that deprivation on the[ir] social economic, intellectual, and psychological well being . . . and the obstacle it pose[d] to [their] individual achievement.” *Plyler*, 457 U.S. at 223. And while many Footsteps members found it difficult to share their stories, both because of lingering embarrassment over their poor education and, in some cases, worry for their families and economic security, they each participated because of their concern for the students being educated in Hasidic yeshivas today. We respectfully submit that the experiences of Footsteps members shed a valuable light on the education being offered by those religious institutions being singled out for preferential treatment by the Felder Amendment.

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